

invention was not addressed by the Examiner's rejection. This aspect is claimed in Claim 1 (f) and Claim 6 (f) and Claim 9 (f) and is generally noted "second directional turn to said airspace". This aspect is the fundamental and very important difference between Baier's invention and the present invention.

Baier's invention is a vent structured generally as an "L" where air traveling in the direction of X (e.g. horizontal) enters, is then turned in the direction of Y and exits into the airspace while still flowing in that direction, Y. At page 4 of the current office action, it appears that the Examiner believes "the air enters the vent and makes a first turn upwards and the second turn into the airspace" however, only a single turn is shown in Fig. 2, Fig. 4 and Fig. 5 of Baier and we respectfully suggest that such a conclusion cannot be supported by the Baier disclosure.

The present invention comprises a vent structure usually internal to the frame 1b where air traveling into the entry vent opening 50 is moving in the direction X (e.g. horizontal) and turns about 90 degrees in the direction of Y (e.g. upward) (see Specification, lines 8-10 describing the requisite vertical path) where it travels a distance and then is turned to Z direction (which is again horizontal but is about 90 degrees to the original direction of X) where it flows through first interior vent opening into the airspace. Please refer to Fig. 4 which shows the entry vent opening 50 and the airspace 4; there is no way that air moving into entry vent opening 50 could travel upward and then into airspace 4 through first interior vent opening 52 which, as supported by the specification, is above entry vent opening 50, if the present invention consisted of a simple "L" shaped vent such as that shown by Baier. The aforementioned description of the present invention is fully disclosed and is supported by the specification at page 9,

lines 1-10 and, specifically lines 8-10 where it is made clear that the first interior vent opening 52 should be vertically above the entry vent opening 50 both to avoid water entry and to employ the rising of air in the vent system and in the air space to achieve the objectives of the present invention.

The Examiner also states, in relation to its rejection of claims 6 and 9 (page 7 and 11 of the 12/26/07 office action) that "it would have been obvious to construct Baier with the venting means openings on the outside of the apparatus". This rejection appears to be impermissibly based on hindsight since Baier, in fact, directly and specifically teaches away from such placement (Col. 2, ll 26-28, ll 37-40, ll 49-52). Further, simply extending the shot leg of the "L" long enough to penetrate to the outside of the apparatus would not, in fact, "cause the air to make three directional turns" as the Examiner has postulated in that same paragraph but, instead, would remain a single simple X to Y directional change.


Further, while the Examiner opines that it would have been obvious to one of ordinary skill in the art at the time of the present invention to create large enough paths and openings for effective ventilation, the state of the art at the time does not support that such was an obvious conclusion. Many windows had been "protected" via panels and most had included venting. But that venting was inadequate and the windows were severely deteriorated. Further, pressure to create or maintain the aesthetic value of the frames along with the structural requisites of such frames for stained glass windows did not allow simply adding several large vents. Instead, a precise formula was needed to meet the competing needs of the stained glass restoration and protection industry; this need was adequately identified by the references submitted by the Applicant.

It is believed that, in light of the amendments in claims 1, 6, and 9 and the arguments in support of nonobviousness therefore, the aforementioned are now in condition for allowance. Further, applicant believes claims 2-5, 7-9, 13, 15-16, 20-21 and 23 are in condition for allowance as they are dependent upon a claim now in condition for allowance.

A marked-up version of the amended claims is enclosed. No new matter has been added by virtue of these amendments. The Director is hereby authorized to charge any fees which may be required, or credit any overpayment to Deposit Account Number No. 50-3021 belonging to Brown Winick Law Firm.

In view of such Amendments and the foregoing remarks, reconsideration of this application is respectfully requested.

Respectfully submitted,

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